

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|--|---|-----------------------|
| RONAN MCCABE, |) | |
| RANDA HERRING, |) | |
| JON DUSTIN STONE, |) | |
| and MINH VO |) | |
| on behalf of themselves and all others |) | |
| similarly situated, |) | CIVIL ACTION |
| |) | NO. 1:12-CV-02494-MHC |
| Plaintiffs, |) | |
| v. |) | |
| DAIMLER AG and |) | |
| MERCEDES-BENZ USA, LLC, |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' RULE 12(B)(1) MOTION TO DISMISS BASED ON
MOOTNESS

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, Defendants Daimler AG and Mercedes-Benz USA, LLC (“MBUSA”) (collectively, “Defendants”) respectfully move to dismiss as moot each and every cause of action asserted by Plaintiffs Ronan McCabe, Randa Herring, Jon Dustin Stone, and Minh Vo. This motion is supported by the accompanying Memorandum of Law, Request for Judicial Notice, and Exhibits.

WHEREFORE, for all of the reasons stated in the Memorandum of Law in Support of Defendants’ Rule 12(b)(1) Motion to Dismiss Based on Mootness,

Defendants hereby move that all of Plaintiffs' claims be dismissed with prejudice, that judgment be entered in favor of Defendants, and that Defendants be granted such other and further relief as the Court deems just or necessary.

Respectfully submitted, this 9th day of January 2015.

KING & SPALDING LLP

/s/ Stephen B. Devereaux

Andrew T. Bayman

Georgia Bar No. 043342

Stephen B. Devereaux

Georgia Bar No. 219791

Franklin P. Brannen, Jr.

Georgia Bar No. 076432

Madison H. Kitchens

Georgia Bar No. 561653

1180 Peachtree Street, N.E.

Atlanta, Georgia 30309

Telephone: (404) 572-4600

Facsimile: (404) 572-5100

CARROLL, BURDICK &

MCDONOUGH LLP

Matthew J. Kemner

(admitted *pro hac vice*)

Troy M. Yoshino

(admitted *pro hac vice*)

Eric J. Knapp

(admitted *pro hac vice*)

44 Montgomery Street, Suite 400

San Francisco, California 94104

Telephone: (415) 989-5900

Facsimile: (415) 989-0932

COUNSEL FOR MERCEDES-
BENZ USA, LLC AND DAIMLER
AG

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7.1(D) of the Local Rules of the Northern District of Georgia, the undersigned hereby certifies that the foregoing was prepared in a font and point selection approved by this Court and authorized by Local Rule 5.1(B).

This 9th day of January 2015.

/s/ Stephen B. Devereaux
Stephen B. Devereaux
Georgia Bar No. 219791

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which automatically sends e-mail notification of such filing to any attorneys of record.

I hereby certify that on this date I mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants: None.

This 9th day of January 2015.

/s/ Stephen B. Devereaux
Stephen B. Devereaux
Georgia Bar No. 219791